

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM PASSARELLA,

Plaintiff,

v.

CITIZEN'S BANK SUPERMARKET
BRANCH,

Defendant.

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CIVIL ACTION NO. 19-108

ORDER

AND NOW, this 31st day of January, 2019, after considering the application for leave to proceed *in forma pauperis*, complaint, and prisoner trust fund account statement filed by the *pro se* plaintiff, William Passarella ("Passarella") (Doc. Nos. 1, 2, 3); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The application for leave to proceed *in forma pauperis* (Doc. No. 1) is **GRANTED** and Passarella has leave to proceed *in forma pauperis*;

2. Passarella, #LG-6537, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information Passarella has provided, the court assesses an initial partial filing fee of \$1.20. The superintendent or other appropriate official at SCI-Mahanoy, or at any other prison at which Passarella may be incarcerated, is directed to deduct \$1.20 from Passarella's prisoner trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 191016, to be credited to Civil Action No. 19-108. After the initial partial filing fee is collected and until the full filing fee is paid, the superintendent or other appropriate official at SCI-Mahanoy, or at any other prison at

which Passarella may be incarcerated, shall deduct from Passarella's account, each time that Passarella's prisoner trust fund account exceeds \$10.00, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the clerk of court at the address provided above to be credited to Civil Action No. 19-108;

3. The complaint (Doc. No. 2) is **DEEMED** filed;

4. The clerk of court is **DIRECTED** to send a copy of this order to the superintendent of SCI-Mahanoy;

5. The complaint is **DISMISSED** as follows:

a. Passarella's claims under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) and 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE**; and

b. Passarella's state law tort claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction; and

6. The clerk of court shall **CLOSE** this case.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.